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21 May 1946
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H0911-0002

OFFICIAL TRANSCRIPT OF TESTIMONY ON DEFENSE ORGANIZATIONS TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL, PURSUANT TO PARAGRAPH 4 ~~of~~ OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

Tuesday, 21 May 1946

COMMISSIONER:

Captain Joseph Tubridy
Mr. Ian D. McIlwraith ← McIlwraith

THE SS

(The Commission convened at 1000 hours.)

EBERHARD ~~HINDERFELD~~ HINDERFELD, a witness, took the stand and testified as follows:

BY CAPTAIN TUBRIDY:

Q Will you state your full name and rank?

A Eberhard Hinderfeld, Obersturmbannfuehrer.

Q Will you raise your right hand and repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

CAPTAIN TUBRIDY: You may sit down.

DR. JOSEF KOESSL (assisting Dr. Ludwig Babel as Counsel for the S.S. and S.D.): Please, may I begin the questioning of the witness?

CAPTAIN TUBRIDY: Yes, you may proceed.

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DIRECT EXAMINATION

BY DR. KOESSL:

Q Mr. Witness, were you a member of the Party?

A Yes.

Q Since when?

A Since November, 1931.

Q Were you a member of the ~~SxSx~~ SS?

A Yes.

Q Since when?

A Since the end of 1931.

Q Did you have any of the positions that would give you an insight into the ~~SxSx~~ SS and into the Allgemeine ~~SxSx~~ SS?

A Yes.

Q What positions or what jobs did you have in the Allgemeine SS?

A First of all, I had a more or less honorary job as a regular SS man, an honorary post. After 1933 I led a motorcycle squad. I also led a motorcycle staff, that is, of a larger group; and was also adjutant of a motorcycle corps of the SS.

Q What was your job during the war?

A In 1935 I was made legal adviser in disciplinary matters at the SS Disciplinary Court in Munich. It was due to the fact that I had training as a legal adviser. I continued the job of legal adviser on disciplinary matters even after the war, that is, with the Waffen SS.

Q What can you tell us about the jobs and the positions of the SS before the year 1933?

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A The SS, according to the name -- Schutz-Staffel -- being a guarding unit, had a purely defensive function.

Q What do you want to say about defense matters?

A The guarding of speakers of the Party was later on assigned to members -- guard duty at regular meetings of the Party.

Q Why did the speakers of the Party need protection?

A Political strife at that time in Germany was rather severe, and constant, at the time. The best proof of that is the large number of deaths the Party had before 1933.

Q Did the other parties have similar organizations?

A Yes; in those years I can remember two -- ~~REICHS STANNER~~ Reichs Banner and ~~REICHSVOT~~ Reichs Volk.

Q To what party did the ~~Reichsbanner~~ Reichs Banner belong?

A The Reichsbanner was a party of the Social Democrats.

Q Did the Centrum have a similar organization?

A I can remember from Munich that/the Bavarian Volkspartei which was closely related to the Centrum had a similar organization, called the Reichs Bavarian ~~VOLT~~ Volk.

Q Could you give me a short resume of the ~~BAVARIAN VOT~~ Bavarian Volk?

A It had, as far as I know, the same functions as the jobs in the SS in relation to the National Socialist Party. First of all, it was to insure a faultless march or faultless meetings, without any interruptions whatsoever.

Q Do you know the duties of the ~~REICHSBANNER~~ Reichs Banner?

A The ~~dit~~ duties of the ~~REICHSBANNER~~ Reichs Banner were about on the

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same scale.

Q For what party?

A For the Social Democrats.

MR. KEMPNER: ~~COLONEL BROOKHART:~~ I object to this line of testimony. I don't understand why he should be permitted to testify as to these other organizations. He was not a member of them.

CAPTAIN TUBRIDY: What is the point of this line of questioning, as to what kind of body-guards the Party had previous --

DR. KOESSL: The witness has declared that the SS had a more or less defensive character --

COLONEL SMIRNOV (For the Russian Prosecution): The answers of the witness were from a purely historical character, of past events, and do not interest us. What we are interested in are present-day questions.

CAPTAIN TUBRIDY: ~~Just a minute~~. Mr. Koessl will you please confine ~~himself~~ your questioning to the activities of the SS.

And may I request that Counsel, before there are any interruptions to make a statement, let me know of their request, so that we can keep the record straight.

Q We will now go into the facts as to how large the SS was and in what manner the selections for the SS were made. How strong was the SS on the 30th of January, 1933?

A The SS from the years 1925 to 1927 had only a few hundred men. Later on a few thousand. And on the 30th of January, 1933, the number of members was about 50,000.

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A But that does not mean there were actually that number of SS members, because at that time there were only about ~~20~~ 25 to 30 thousand SS members.

Q Could anybody become a member of the SS at that time?

A Certain selection was made upon entering the SS. The person had to have two references -- two character references. He had to have the police character testimonial. And he had to swear that he ~~xxx~~ had no previous convictions in any court.

Q What was the reason ~~xxxxxxxxxxxx~~ for ~~xxxxxx~~ members of the SS ~~xxxxxx~~ joining the organization?

A One of the main reasons probably was that there were a number of unemployed before the year 1933, who hoped through their connection with the Party that they would regain employment. In the student circles -- from which I myself come -- those circles, the main reason was the very close comradeship between people of various social standings in that organization. This comradeship was very helpful later, in assisting the unemployed and others in need. Also, the defensive character of the SS seemed to insure at the time that it always would be on the side of righteousness.

Q Did you make any observations that the persons in the SS or the character of the persons in the SS~~xxx~~ was lower?

A Just the opposite. I noticed at that time that the discipline -- quiet discipline -- did not show itself only in outer discipline and obedience, but also that it fostered a

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clean and clear mind.

Q Did you make any observations that the defensive measures by the SS were against the law?

A At that time I did not get any orders to strike or go against any political enemies. On the contrary, at that time, during large meetings, it was forbidden to us to leave our marched columns. We were not allowed to carry any weapons -- pistols or knives. We were not to answer challenges from our enemies. And only in case of bodily attack were we supposed to defend ourselves.

Q How was the building up of the SS after the 30th of January, 1933?

A First of all, it is wrong to speak ~~from~~ at that time of the ~~Allgemein~~ Allgemeine SS. That word, ~~Allgemein~~ "Allgemeine" -- or that idea -- was brought in about 1937, 1938. ~~It~~ There was at that time a border-line between regular troops, the Schutz-Staffel, and the more or less "attack units," the Death Head units.

Q If a person declared his readiness to enter the SS did he become a regular member right away?

A After 1933 people from all parts of the country and stations of the population wanted to enter the SS. When they were first taken in, certain preliminary induction, certain ~~in~~ rules were followed --

BY COLONEL MERVYN GRIFFITH-JONES (for British Prosecution):

Q I didn't understand that.

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A They were entered in more or less preliminary manner first. There were certain points, like height and physical ability , which were considered. Also, great value was placed upon a good reputation, a very clean reputation. The two character witnesses were needed again, the police ~~xhx~~ character testimonial, as well as data as to any previous verdicts in court.

Q What happened if somebody was already convicted of some offense?

A People with previous convictions were not taken in the SS and any person that entered the SS by not giving previous convictions, and was later found out, was released from the SS. The permanent membership of the SS resulted only after about a trial period which lasted from six months to two years.

Q Did ~~Xxx~~ the building up of the SS follow a certain plan?

A After ~~xhx~~ 1933 the filling of the lowest ranks depended on personal and regional requirements, where a good leader was found in certain areas, or where a number of men were on hand to form a sturm. The same applied to the next higher echelon, or group, the sturmbann -- although there they had to be in a more or less central position and near traffic centres. Whether or not the higher leaders of the SS had any plan as to formation of the SS and a certain plan that they followed, I do not know from my own experience or

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knowledge,and the large masses of the SS evidently did not ~~xxx~~ hear of such or did not find out about such a plan

BY ~~X~~ CAPTAIN TUBRIDY:

Q How do you know what the large masses of the SS knew?

A In my job as a leader of a motor squad and also as a legal adviser on disciplinary matters I met quite a large number of ~~xxxxx~~ SS members.

BY DR. KOESSL:

Q The Prosecution states that military standpoints and military viewpoints were the main ideas in building up the SS. Did the masses of the SS ~~x xxxx~~ think of ~~xxxxx~~ that?

A No.

Q What were the duties of the SS after 1933?

A After that time there was no need for the protection of speakers and meetings any more. The SS had the duty of preserving order at large meetings. For this reason ~~during the APEIZ~~ marching and drilling was taught and used so that ~~xxx~~ order could be preserved more easily during large meetings. Also, firing of small-arms weapons was done ~~x~~ on the ~~xxxxxxxx~~ scale of a sports club, and athletic training was given in order to receive the SS and ~~xx~~ SA sports medal. Also a world orientation was given in the ~~xxxxxxx~~ course of duty; for the various lectures or classes, certain special hours were designated, which were brought out in the ~~xxxxx half~~ five-year

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plan, brought out by the central office. The duty of the Allgemeine SS was with the exception of a few people in the central office, and an honorary duty.

Q What do you understand by an honorary duty?

A It is a job which the person does on his own time, besides his own job, without any compensation and by using his own free time.

Q You talked about the keeping of order at large meetings. It would seem rather unlikely that any kind of disturbances could take place after 1933, wouldn't it?

A Disturbances of any nature did not occur any more. But it was a matter of regulating a march on to the places of large masses of people, of the participants.

Q Did the comradeship in the SS after 1933 between the various groups which created better standards of living, did that keep up after 1933?

A Yes; a very large value was put on this comradeship after 1933. The SS tried to unite the people within their ranks, of various social backgrounds and different jobs. That didn't mean an enforced equality but it only served for the removal of any lines that were drawn between various jobs. Besides that, the families of the men were also included in this comradeship and group meeting. Also, between the women and the children of the various members these border-lines of social backgrounds were to be removed --

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COLONEL BROOKHART: We have listened forty minutes to the witness, and we have yet to hear anything that is relevant to the charges against the SS. May I respectfully suggest unless that Counsel questions on relevant and pertinent matters, I am forced to object to further questioning of the witness.

CAPTAIN TUBRIDY: Yes. The point is well taken. Mr. Koessl, you may establish background in the first few minutes of examination but after that we would like to have him come to the relevant points for which these proceedings are being conducted -- testimony subsequent to 1933. We would like to have the examination directed to that. Also, we would like to have it directed more to the issues raised by the Prosecution and the issues defined in the order, and that is the question of the criminality of the organization, what its tasks, activities and structure and component parts were, and also if the witness is going to testify with regard to notorious, generally known acts of the organization we would like to have testimony relating to that. But the other testimony that has gone in has been quite lengthy and would delay these proceedings if it continues.

(The interpreter repeated Captain Tubridy's statement.)

DR. KOESSL: The questions on my part and the answers of the witness were concerning the goals of the SS --

CAPTAIN TUBRIDY: Well, frankly, I don't see exactly what the relevance is of this line of questioning which has been adopted, to show the goals of the SS.

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DR. KOESSL: The Prosecution states that the aims of the ~~Rxxxxxxxxxx~~ SS were of a criminal nature. The Prosecution also claims that the personal points in the SS were lower.

The Defense considers it rather important to prove what the people that entered the SS wanted and what their aims were.

CAPTAIN TUBRIDY: What are you trying to prove? Maybe the Prosecution will concede it.

DR. KOESSL: Whether the people entering the SS had any criminal ideas whatsoever. This line of questioning and answers --

CAPTAIN TUBRIDY: Just a minute. I don't think there is any evidence any place -- any claim on the part of the Prosecution -- that people at the time they went into the SS had criminal records. If you are trying to prove that people entering the SS did not have criminal records, I don't think that point is raised.

THE INTERPRETER: Criminal ideas is what the Defense wanted to bring out, that they did not have them when they entered the SS.

DR. KOESSL: In the meeting of the Prosecution, the Chief of the Prosecution stated that the SS consisted ~~not~~ of great Nazis who were ready to do anything without question. With the permission of the Court I would like to continue his questioning.

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CAPTAIN TUBRIDY: If you are trying to rebut that allegation, you may go ahead; but the line of questioning you have been pursuing doesn't seem to rebut that charge.

BY DR. KOESSL:

Q Could the racial policies of the SS be considered criminal?

A The racial policies of the SS were on a scientific basis -- biological scientific basis, as it it has been or is always in use in various other countries --

MR. KEMPNER: This man is not expert in biology. And I don't know about the methods in use in other countries -- and I don't understand the import of his question.

DR. KOESSL: The witness can state what the SS men were told and under what point of view the SS proceeded on its racial policies.

CAPTAIN TUBRIDY: Just a minute, ~~He asked~~ MR. KOESSL was asked a question, were the racial qualities of the SS considered. There was an objection that the ~~xxxxxxxx~~ witness was in no position to testify. Now, it seems to me this objection is ~~well taken~~ proper.

DR. KOESSL: Now, I would like to ask permission to ask the question whether the SS ~~xxx xxxxxxxxx~~ had or had not brought up the destruction of other races, of foreign races.

CAPTAIN TUBRIDY: ~~Just a minute~~ -- Very well, you may proceed along those lines.

A The ~~xxxxxx~~ Allgemeine SS, in that organization the destruction of foreign races was never taught or never brought out. Other races in their own way were considered quite all

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right. The only thing that was objected to was the mixing of elements between these various races. The only goal was to better their own race, their own standards,and for that reason you had the marriage law and all the laws relating to that.

Q Did the Allgemeine SS receive any weapons training?

A The Allgemeine SS did not carry weapons. Then the weapons that the SS got in 1933 from other parties and other groups, they were turned in by the leaders of these various groups in 1934, and sworn that those were the only weapons in their possession. These weapons had to be handed in.

Q Did the German Army consider or figure that the training in the SS was of military calibre?

A No; every SS man, no matter what ~~is~~ his rank in the SS, had to start as a regular soldier in the Army.

Q Can you give us any information about the use of the special units of the SS, such as motorcycle riding and medical units?

A In the motorcycle troops or persons interested, all persons interested in motorcycle sports met and there they did the same kind of duty as done by the National Socialist motor troop, the NSKK. In medical groups the men were trained in first-aid to work at the large meetings and so on, to give first-aid and do that kind of work, medical work.

Q What duties did the SS sports groups have?

A That question has to be answered from two points of

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view. One view would be that of the SS member and the other that of the active sports club member. To be able to state my view, that is, on the attitude of the sports member, I would be able, because from 1933 to 1939 I was ~~in fixmxtimmxxix~~ five times on ~~in~~ the German team defending the world championship. The Reichsfuehrer hoped that by organization of these sports groups he could bring together these men in peaceful competition and to get together with the other nations on the same plane.

Q Did you in those international sports meets notice that the sports in the SS were different or the manner of sport was different from that of the other ~~xix~~ countries?

A In bobsledding they won various prizes from Lord Curzon, Mr. Martinon, Winsrennie, De Baun, Boncon, Frejolier, and others. The rules of our own activities were the ~~xnixxx~~ sports rules of the Reichsfuehrer of the SS: "To be modest in victory, have no misgivings when losing; don't look for the cause of your defeat in the other fellow, but in yourself."

Q Did the world orientation discussions in the SS have any criminal basis? ~~R~~ Was the SS specially prepared to break the peace, in those meetings?

A These world orientation meetings concerned mostly idealistic points and were conducted along the lines of international law. It was brought out that the relations with the other nations should be correct and during the war Himmler brought out a law which required every SS member to be correct towards the members of foreign nations, to act correctly.

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Q Was the Allgemeine SS being prepared for an offensive war?

A In the writings of the Allgemeine SS offensive war was never mentioned. However, we did strive toward a revision of the Versailles Treaty, but in this respect were never involved in any way with a war of attack, an offensive war.

Q What solution was given the SS as far as the Jewish question was concerned?

A That the Jewish question should be answered -- or taken care of -- in regular channels, in a regulated way; and the happier solution was considered the emigration of the Jews. In 1935 Himmler brought out a law in which it was said that the connection between the SS and the Jews should be limited to the absolute necessity and various members who were against or acted against that law were brought ~~before~~ to trial and sentenced heavily.

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Q What meaning did these guide books have in the SS?

A They served to promote the political teaching of the SS.

Q In the SS, were the religious beliefs of others honored?

A There was a law in 1936 which was the cause of dishonor of a religion by a member of the SS; and at that time, a member of the SS was discharged from the SS.

For similar offenses, discharge from the SS was threatened.

It also was forbidden during official meetings to discuss or ask any religious questions, in order to prevent any insults or injured feelings.

Q What duties did the office of the Obergruppenfuehrer, Heissmeyer, have with relation to the SS?

A Heissmeyer was the inspector of the national political schools and home projects.

That job was in the scope of the Reich ministry of education.

Co-workers of Heissmeyer were mostly members of that ministry.

Himmler, however, hoped that from these political training schools he would get the reserves, or the replacements, for his Junker schools.

To demonstrate that fact publicly, Heissmeyer was given the honorary rank of chief of the educational office of the SS. It was a purely honorary job, as chief of the main office of the SS; it did not in any way have any connection with the other chief offices in the SS.

Q What do you know about the use of the SS during the Roehm-Putsch on the 30th of June, 1934?

A The Civil SS was alarmed in virtually all of Germany at that time.

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They were called together in their own meeting rooms or other public places, such as schools. They were called together to those other points.

The reason for alarming these SS units was to help the police in disarming the SA members.

The SS mostly did not have any weapons, and it received some weapons from the Reichswehr and the police.

In most cases, there was not any co-interaction at all. At times, in some places they occupied SA offices and meeting places, and took weapons from the SA.

The arming of the SS was useless, because the SS was not trained in military matters. There was a number of 1914-1918 veterans in the SS, and it was to those that weapons were given at first.

Q What can you say about the action of the SS on the 19th of November, 1938?

A At that time I already was the legal adviser in a central office of the SS.

We at that time did not receive any official orders to take part; and as far as I know, there never was such an order given. Even in some of the places where the demonstration started, a counter order was given from some of the officers.

Single SS men who did take part in the demonstrations at that time had disciplinary action taken against them. I am able to give names, if it is necessary.

Q In what offices were you at that time, where you could make these observations?

A I was at that time a legal advisor of the SS court in Munich, which

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was the highest echelon of the disciplinary courts of the Allgemeine SS.

Therefore, I know that certain SS men who took part during these demonstrations and criminal matters were not only thrown out of the SS, but also taken over by the civil police and tried by them.

Q The High Court will probably know that the 9th of November, yearly, was the day of the swearing of the oath of the SS.

Do you know whether these units which were called together for that oath were used in these demonstrations?

A Since I attended that swearing in at that time, I know for certain that no units were called out.

Q As legal advisor in the SS disciplinary matters, you probably can give us information as to what point of view the SS took in defense of honor matters.

A The Prosecution states that the SS man was required to defend his honor with his life. Such an order was never given.

It was just the opposite with these orders concerning the guarding of honor; it is stated that the honor of the other person should not be smudged.

In the code of honor of the SS, it stated that the SS man was required to help the poor and defenseless, and refusal to do so was a loss of honor to the SS man.

Q In what way were questions of the other disciplinary matters handled in the SS?

A The basis was the disciplinary laws of 1934 and various other basic laws, such as the law about the value of ownership of the individual. Every criminal act was followed up and investigated.

The members of the regular SS were tried by the regular police courts, and in addition to that received SS disciplinary measures.

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The cooperation, or working together, with the regular courts was very close. The SS received from the regular courts reports as to the starting of any kind of investigation, and received copies of the offense and of the sentence of the court.

If the code of honor was concerned in the case, the members of the SS were all discharged from the SS. Only in smaller cases could the member remain in the SS, if he had otherwise a very clear past record as a member of the SS.

Q In what way and to what extent did the Higher SS and the police leaders have disciplinary powers over the Allgemeine SS?

A The members of the Higher SS and police did not have any power at all against the members of the Allgemeine SS. The only time they had that power was when they were in command of an SS Oberabschnittfuehrer; but that was not the case everywhere.

Q How were the disciplinary actions after the war started?

A At the beginning of the war a large number of the Allgemeine SS were taken into the Army, the air corps, and the navy.

Another group, a large group, came after an order to the Death Head units. The duties of the Allgemeine SS went down considerably, and as the war progressed, with the exception of the social activities of the SS, the work of the SS was almost nil.

That was also very evident in the disciplinary matters. Due to the fact that such a close selection was made of the SS before the war, even during the war, the criminal offenses in the SS were very low. Even though the Allgemeine SS did have its own military court, they also stood under the civil courts.

The main part of the disciplinary section worked in cases of the Waffen SS.

Q Did the disciplinary power of the SS reach the estate of the Security Police on the one hand and the Order Police on the other hand?

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A An order in the year 1934 concerning these disciplinary matters cleared up a matter which had been in effect for quite some time.

The disciplinary powers of this SS order, or criminal code, were limited to the Civil SS.

The fact that in this case it concerned two entirely different outfits, organizationally, was evident from the fact that different criminal codes had to be set up for the Waffen SS and the Allgemeine SS.

MR KOESSL

CAPTAIN TUBRIDY: How much more time do you want with this witness?

DR. KOESSL: Only one more question.

THE WITNESS: For the SA, the Security Police, and the Order Police separate laws or criminal codes were established.

BY DR. KOESSL:

Q How did Himmler react to objections to some of his orders?

LIEUTENANT COLONEL BROOKHART: Sir, I object to that question unless it is shown that this witness had some contact with Himmler.

CAPTAIN TUBRIDY: Sustained, unless the witness can be shown to have some contact with Himmler.

BY DR. KOESSL:

Q Can you give a positive happening?

A Yes. I know of a number of cases from my job as legal advisor in disciplinary matters.

Q Did you come in contact with Himmler?

A Even though I personally did not come in contact with Himmler, my written work was given to him.

I objected to him against the sending of one of my typists to a concentration camp. That resulted in my being relieved of my post, and I was sent with a smaller unit, with a lower grade, and was sent to the front.

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Any objections to the orders of Himmler frequently resulted in severe matters like that. The person who did object had some very serious consequences on his own.

DR. KOESSL: I am finished.

CAPTAIN TUBRIDY: We will take a recess of about ten minutes before proceeding.

(A short recess was taken)

CAPTAIN TUBRIDY: We will proceed.

CROSS EXAMINATION

BY COLONEL GRIFFITH-JONES:

Q Witness, you have told us of the sports and social activities of the SS. Those were all advantages, were they not, which were unobtainable outside the SS?

A No, as far as sports matters were concerned, definitely not. I can prove that myself, since I have been a member of the sports clubs for many years, before that.

DR. KOESSL: I did not understand the question of the prosecution.

BY COLONEL GRIFFITH-JONES:

Q Let me make myself quite clear to you. You appreciate, of course, that there were sports organizations apart from those of the SS. But the sports organizations of the SS were an advantage to the ordinary person; is that not so?

A No. Basically that is not right.

Q Were these sports organizations, apart from those run by the SS, as good and as well organized as the SS sports organizations?

A Yes.

Q Let me turn, then, to the social advantages. You told us that one of the reasons people joined the SS was because of the comradeship; is that right?

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A Yes.

Q And in addition to that, the welfare provided for the SS families was an advantage, was it not?

A The welfare organization of the SS actually only played a part during the war. At that time, it was mainly for the families of men who were in action and those that were killed in action.

Q Before, and during the years of peace, did the SS arrange social activities for its members and their families?

A A regulated or a specific welfare social organization did not exist; but in cases where need which was brought about was not the fault of the persons, at that time the SS jumped in and helped.

Q The SS was regarded, was it not, or the members of the SS were regarded, were they not, as the elite of German manhood?

A That was an ideal that was attempted but was not completely realized.

Q But it was the aim, and the members of the SS regarded themselves as being the best?

A Any person who belongs to any kind of unit or group hopes that his will be the best; and that was also the case in the SS.

Q And men outside the SS regarded the SS as an organization of the best men, did they not?

A I pesonally cannot give you any information as to public opinion in that case.

Q But in the party membership, that opinion was generally held, was it not?

A Those with that opinion at that time were not quite as united a group as they are considered to have been today. There was a number of men in the party who were not of that opinion.

Q Why were those men not of that opinion?

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A I do not know the reasons in particular; but the rivalry between the SA and the SS was well known.

Q Did I understand you to say that in 1933 a large number of people joined the SS?

A Yes.

Q And was that because of the advantages which the SS afforded?

A At that time, you could not speak of any special advantages that the SS provided for its members.

Q What was the reason, then, for that large number of applicants for membership in the SS in 1933?

A Here also different opinions were given. When a Sturm group was organized in a town and a suitable leader was found, the people of that town went to the SS and joined the SS, because they saw in that person a leader. Others, perhaps, saw in the SS a special unit, or special troop, and others also probably joined because professionally they expected advantages. These various reasons, however, cannot be combined into one, or united.

Q I quite understand. I am much obliged to you.

It would be right to say, would it not, that those were the reasons generally which influenced applicants for the SS throughout the following years?

A That also was the case in later years. Different reasons were given or had been given for wanting to join the SS.

Q Do I understand that the same reasons applied, and others as well?

A Only the same reasons.

Q Only the same reasons?

A Only the same reasons.

Q Now, you spoke about the Roehm-Putsch. You knew, did you not, that

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the SS took an active part in that operation?

A I described the part taken by the Civil SS before.

Q Yes. I am much obliged. I will only be a minute.

You knew also, did you not, that it was a criminal activity?

A One cannot describe this as a criminal activity, since in the latest speech by Adolf Hitler he stated that the happenings of the 30th of June were a necessity for the nation, and any happenings of that day were, therefore, more or less made right through that speech.

Q Tell me this; was it taught to the SS men that murder could be justified by a speech made by Hitler afterwards?

A The Civil SS was not told anything more than the regular population of the country.

The participants in the Roehm-Putsch were declared as traitors to their country, and for treason, according to the regular laws, there is a death sentence.

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21 May

Q Very well. Let me read to you a passage in another speech made by Himmler -- I understand there was a mistranslation in my question a moment ago. I asked "Were you taught at the SS schools?" and the translater I understand translated it "Were you told?" My question was were you taught in SS schools that murder could be justified by a speech made afterward by Hitler?

A He says he hears for the first time of such a thing. As far as I know no such thing was ever taught in any of the schools.

Q Let me just ask you one further question on that passage. Are you telling us that you and so far as you know the other members of the SS regarded the victims of the Roehm Putsch as having committed treason and were therefore justified to be killed?

A Such a description, such a ~~peing~~ point was given to us from the leadership above at that time, from the state militia.

Q Yes, but did you yourself believe it, or did you think it was murder?

A No, at that time I considered the executions as right according to martial law.

Q Now, let me read you a passage from a speech made by Himmler on the 4th of October 1943 which was addressed to the SS group of fuehrers at Persa.

CAPTAIN TRUBIDY: Did you give the document number?

BY COLONEL GRIFFITH JONES:

Q The document number is P. S. 199, U. S. 170, and the passage occurs at page 4 of the English translation. I

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quote:

"I also want to talk to you quite frankly on a very grave matter. Among ourselves it should be mentioned quite frankly and yet we will never speak of it publicly. Just as we did not hesitate on the 30th of June 1934 to do the duty we were bidden and stand combats who had lapsed up against the wall and shoot them, so we had never spoken about it and will never speak about it."

If the victims of the Roehm putsch had been executed under martial law for treason, why should the SS never have spoken about it amongst anybody but themselves?

A The fact that these men at that time were shot under martial law was made public, and I therefore do not understand the connection between this passage and the fact of the shootings on the 30th of June 1934.

Q The connection, I suggest to you, is that everybody, SS and everybody else, knew that the victims of the Roehm putsch had been murdered, and murdered anywhere, by persons in participation with the SS.

A The shootings on the 30th of June 1934 were discussed quite openly ~~by~~ before the whole German people, and I ~~would~~ have also had chance to speak with various foreigners on that matter. One person I remember quite well is Mr. Dwight Morrow, as far as I know a brother-in-law of Colonel Lindbergh.

Q I do not care to hear what Mr. Morrow said. Let me read on the next two lines:

"It was thought tact which is a matter of course and which I am glad to say is inherent in us, that we must never

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discuss it among ourselves, never speak of it. It appalled everyone, and yet everyone was certain that he would do it the next time if such orders are issued and if it is necessary."

Did those ~~shootings~~ shootings appall you?

A According to the description at that time I believed, I had to believe, that in this case it was a matter of high treason, and it is the same in this as any country in this world that a person who takes part in a form of treason, that he has to figure on being shot if that coup does not result or does not go well.

Q Very well. Let me pass on. I want to read you a short passage from another document. This is another speech by Himmler -- I beg your pardon, it is a pamphlet by Himmler, ~~dated~~ entitled Security SS -- it is P. S. 1851, U. S. 440, published in 1936, and this is what the Reichfuehrer wrote:

"I know that there are some people in Germany who become sick when they see this black curse. We understand the reason for this and do not expect that we shall be loved by too many."

Did you ever read that?

A I know this pamphlet but I cannot remember this single passage.

Q Does that correctly describe the feeling of a number of people in Germany?

A How can I give my opinion?

Q What was the reason that people should feel sick when they saw the black curse of the SS?

A I consider this passage as more of a form of speech

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by Himmler, and I suppose that the elements meant by this passage are criminal elements against whom the SS has constantly fought.

Q You don't think, do you, that it meant that the people felt sick because of the criminal activities that the SS were constantly carrying on?

A I don't believe that that is the case, because I never was able to get the insides on any criminal activities in the SS.

Q Well, did you think the demonstrations against the Jews in November 1938 were a legal activity, a lawful activity?

A I and the comrades I talked to considered the demonstrations of November 1938 as dumb and low, and it was condemned by a large part of the SS. The proof for that is that members of the SS that had participated in these actions, single members, received disciplinary measures.

Q You say that but you know, of course, that there are orders -- I am not going to waste the time of the Commission now -- you know that there are orders, do you not, from Himmler and Heydrich commending the participation of the SS in those demonstrations?

A It was the first time here in Nurenberg that I saw the letter by Heydrich to his lower leaders concerning that. As far as I can understand, that letter by Heydrich does not request the SS to participate in these demonstrations, but rather, was a security measure, a security police measure.

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Also, Heydrich could not give any orders to the Allgemeine (General) SS.

Q For the purpose of the record the reference to that is P. S. 3051, U. S. 240. I just want to refer you now to the organization book. I quote actually from the copy of 1943, P. S. 2640, U. S. 323, under the heading of the Schutzstaffel, NSDAP. It is the organization book of the NSDAP for 1943 in the article entitled "The Schutzstaffel" and its number is 2640, U. S. 323, and talking on the activities of the SS man it says:

"Open and unrelenting fights the most dangerous enemies such as Jews, Freemasons, Jesuits, political clergymen."

Is that a fact, the open and unrelenting fight? Do you agree with that that that was the task of the SS man?

A If I am correct, this book was the year 1943. At that time there was practically no Allgemeine (General) SS any more. In addition to that, the Allgemeine (General) SS never had any executive powers against anybody. Therefore, she could not fight or combat as is described in that sentence. Her only orders of the Reichfuehrer are connected to the orders he had given also as Chief of the German Police, and they are wrongly connected with the SS.

Q I put it to you that from the results of the days after the Nazi party came to power, it was plain to everybody in Germany that the SS were carrying on criminal operations. I just want to mention two other matters. You gave an answer that it was the duty of the SS to help poor and defenseless persons. Is that your story?

H0911-0031

A Yes. This was also laid down in the Code of Honor Rules, trial rules of the SS.

Q Would those rules be laid down by the Reichfuehrer?

A They were declared all right by Reichfuehrer.

Q Did the Reichfuehrer hold those views right up to the end of the war?

A Now, later we found out to our own disgust that he did not do himself what he preached and wanted of every SS man.

Q Do you say that those were the rules that governed the conduct of the SS man right up to the end of the war?

A I can say as a legal adviser of the Waffen SS that these rules were obeyed by the majority of SS men to the end.

Q Let me just read you this passage. This is the same speech made at Persa, 1943. It is page 1 of the English translation, P. S. 1919, U. S. 170. It is the third line of the third paragraph:

"What happens to a Russian or a Czech does not influence me in the slightest." And I omit one or two lines. "What happens to a Russian or a Czech does not influence me in the slightest." Then I omit a few lines. "Whether 10,000 Russian females fall down from exhaustion by digging a ditch interests me only so far as the emigration from Germany is finished."

Do you say that those sentiments expressed as Himmler's were never passed on to the whole body of the SS organization?

A I want to say the first time I heard about this speech was here while I was being held here.

H0911-0032

Q Will you tell me what that document is that you have in your hand?

A It isn't a document. It is just notes for today's hearing.

Q May I see them. (Receives papers from witness). These typed notes, what are these? What is this typed note 19 pages long?

A Those are my thoughts. They are notes which I wanted as my thoughts, some of which I did use in today's questions.

Q Who typed these? Did you?

A I wrote them.

Q Are they your composition?

A My own work.

Q They are in the form of questions, are they not, questions and answers?

A Yes.

Q And the writing inside, whose is that?

A That is also mine.

Q Very well. (Returning papers to witness).

BY COLONEL BROOKHART:

Q One or two questions. What years were you in the motorcycle corps or squad?

A 1933 to the end of 1935.

Q Did you have any connection with the motorcycle corps of the SS during the war?

A No.

Q Were you ever a member of the SA?

H0911-0033

A No.

Q Were you ever in any way connected with the Gestapo?

A No. In no way.

CAPTAIN TUBRIDY: Any further examination or cross-examination by the Prosecution?

COLONEL GRIFFITH JONES: No.

REDIRECT EXAMINATION

BY DR. KOESSL:

Q The Prosecution asked about your reasons of entering into the SS. Please make it clear to us whether material reasons or idealistic reasons were usuaually the reasons for entering the SS, or whether both had something to do with it.

A It was mostly for idealistic reasons, because the average SS man had to give up quite a bit financially, such as buying his own uniform, and also his own time.

Q You gave also a reason, economic reason, for entry, besides other reasons. Would the given reasons be examples for entry into the SS?

A As I said, there are quite a number of other reasons. For instance, the civil service employes and people trying to get civil service jobs, were trying to be part of some kind of organization, and then they went either to the SA or to the SS.

Q Was the reason why a person went to the SA or SS incidental, or was there an idealistic, a deeper reason, for that?

Q As I said before, I would say it was mostly of a personal nature whether to join the SS or the SA. As I said

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before, the person joining might have liked the leader of the organization as a group leader and for that reason.

Q There is also the possibility that the uniform had something to do with that?

A Yes. This reason of the uniform had something to do with the selection of quite a few.

Q You stated before in answer to a question of the Prosecution that the actions against the SA on the 30th of June 1934 were later on made officially right through orders, made law through these orders. What was the SS told during the action against the SA?

A First of all, the reason for the alarm of the SS was unknown. There were ~~numbers~~ numerous rumors going around. One of them was, for instance, that Hitler had arrested Roehm; the other one saying that Roehm had arrested Hitler.

Q Was it the ~~with~~ wish of the average SS to help one of these, either Himmler or Hitler or Roehm?

A The ideals of the Allgemeine or Civil SS only went as far at that time as to safeguard the laws and regulations of that time.

Q At that time was Roehm a chief of the SS?

A Roehm was a chief of the SS in such a way that he was chief of staff, staff chief of the SA, and the SS was part of the SA.

Q Therefore, on the 30th of June Himmler and Hitler as well as Roehm were chiefs or leaders of the SS?

A Yes.

Q Whose wish was the main ideal, the main wish of the

H0911 - 0035

SS?

A The SS did not have any -- could not see exactly what was going on, and they had to rely on the orders of the local SS chiefs, local SS headquarters.

Q You said that various rumors went out as to the reason for the alarming of the SS.

A Yes.

Q You also said that one of the rumors was that Hitler ~~theugh~~ had arrested Roehm and the other one that Roehm had arrested Hitler.

A Yes.

Q On whose side ~~kk~~ did the mass of the SS stand, if it had to choose between Hitler, Himmler and Roehm?

A Since Hitler at that time had been voted or had been made Reichchancellor by a very large majority of the German people, he was also in the eyes of the SS, chief of Germany.

Q At that time was it thinkable that there was a difference of opinion, difference of thought, between the state and Hitler?

A As far as we could see or could judge, there was no difference.

Q In the course of the questioning the words were spoken "the fight or combat of the SS." What in the German language and in the German slang, Nazi slang, did the word "combat" or "fight" mean?

A The word "combat or fight" meant the discussion of idealistic or world problems. It did not only mean bodily combat.

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DR. KOESSL: I have finished with the witness.

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CAPTAIN TRUBIDY: Anything on the part of the Prosecution?

BY MR. McILWRAITH:

Q Was any oath of allegiance taken on joining the SS, any oath of allegiance or obedience?

A There was no special oath but on the 9th of November every year there was a group oath of every SS unit or every SS man. That was every year.

Q On the 9th of November?

A Yes.

Q To whom was that oath taken?

A ~~[illegible]~~ To Adolf Hitler.

Q By every SS man?

A Every SS man, yes.

Q When the witness was a leader of the motorcycle corps of the SS how many SS men were under him?

A As sturm leader about 120 men. Later on as a staff leader between 400 and 500 men. And when he took the place as a substitute of a standard, he was in charge of around 1200 men.

Q When he was legal adviser in the Court at Munich how many SS men came within the jurisdiction of that Court?

A The Court, the SS Court in Munich, was the highest echelon of the disciplinary corps of the Civil SS.

Q And how many men were in the district over which that corps ~~ruled?~~ ruled?

A It was the highest instance ~~in~~ of the entire SS.

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Q Did it rule over all the SS men in the country?

A Yes, it did.

Q Well -- ask him.

A As far as it concerned disciplinary measures, disciplinary court proceedings, yes, it was the highest, and it reached every SS man.

Q And was he the sole legal adviser to that ~~xxxxx~~ Court?

A There were about 12 disciplinary legal advisers. Also, not every case was tried on the SS Court in Munich but only cases of very great importance and cases which had been --

Q Was it a Court of Appeal?

A Yes. Appeal by the lower courts or by the lower units.

Q It was a Court of Appeal?

A Yes. It was the highest Court of Appeal.

Q And he was one of 12 disciplinary legal ~~xxxx~~ advisers to that Court?

A The number changed every now and then but on the average there were about 12 disciplinary legal advisers.

DR. KOESSL: There seems to be a certain confusion as to what disciplinary instances mean in this case and regular Court instances.

CAPTAIN TUBRIDY: I think everyone is more or less satisfied as to what the witness did. He was in a Court at Munich that was a court of last resort in disciplinary matters in the SS throughout Germany.

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DR. KOESSL: No. That is not exactly the case. Maybe he can explain shortly.

THE WITNESS: This court only dealt with matters of crimes against the discipline and the order. The only kind of sentences this court could deal out was reprimands, lowering of rank, and throwing out of the SS. The regular sentences were dealt out by the regular courts.

CAPTAIN TUBRIDY: We will adjourn until two o'clock. I think that is all for this witness.

~~(A recess was taken until 1400 hours)~~.

(The commission adjourned at 1300 hours).

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The foregoing is a true and correct transcript of the testimony of EBERHARD HINDERFELD, taken on 21 May 1946.

Reporter (pp. 1-15)

Reporter (pp. 16-24)

Reporter (pp. 25-37)

CERTIFIED TO:

Commissioner

Commissioner

H0911-0040

OFFICIAL TRANSCRIPT OF TESTIMONY ON DEFENSE ORGANIZATIONS TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL, PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

Tuesday, 21 May 1946

COMMISSIONER:

Captain Joseph Tubridy
Mr. Ian D. McIlwraith

THE SS

(The Commission convened at 1000 hours.)

EBERHARD HINDERFELD, a witness, took the stand and testified as follows

BY CAPTAIN TUBRIDY:

Q Will you state your full name and rank?

A Eberhard Hinderfeld, Obersturmbannfuehrer.

Q Will you raise your right hand and repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath).

CAPTAIN TUBRIDY: You may sit down.

DR. JOSEF KOESSL (assisting Dr. Ludwig Babel as Counsel for the SS and SD): Please may I begin the questioning of the witness?

CAPTAIN TUBRIDY: Yes, you may proceed.

DIRECT EXAMINATION

BY DR. KOESSL:

Q Mr. Witness, were you a member of the Party?

A Yes.

Q Since when?

A Since November, 1931.

Q Were you a member of the SS?

A Yes.

Q Since when?

A Since the end of 1931.

Q Did you have any of the positions that would give you an insight into the SS and into the Allgemeine SS?

A Yes.

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Q What positions or what jobs did you have in the Allgemeine SS?

A First of all, I had a more or less honorary job as a regular SS man, an honorary post. After 1933 I led a motorcycle squad. I also led a motorcycle staff, that is, of a larger group; and was also adjutant of a motorcycle corps of the SS.

Q What was your job in the SS during the war?

A In 1935 I was made legal adviser in disciplinary matters at the SS Disciplinary Court in Munich. It was due to the fact that I had training as a legal adviser. I continued the job of legal adviser on disciplinary matters even after the war, that is, with the Waffen SS.

Q What can you tell us about the jobs and the positions of the SS before the year 1933?

A The SS, according to the name -- Schutz-Staffel -- being a guarding unit, had a purely defensive function.

Q What do you want to say about defense matters?

A The guarding of speakers of the Party was later on assigned to members -- guard duty at regular meetings of the Party.

Q Why did the speakers of the Party need protection?

A Political strife at that time in Germany was rather severe and constant at the time. The best proof of that is the large number of deaths the Party had before 1933.

Q Did the other parties have similar organizations?

A Yes; in those years I can remember two -- Reichs Banner and Reichs Volk.

Q To what party did the Reichs Banner belong?

A The Reichsbanner was a party of the Social Democrats.

Q Did the Centrum have a similar organization?

A I can remember from Munich that the Bavarian Volkspartei which was closely related to the Centrum had a similar organization, called the Reichs Bavarian Volk.

Q Could you give me a short resume of the Bavarian Volk?

A It had, as far as I know, the same functions as the jobs in the SS in relation to the National Socialist Party. First of all, it was to insure

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a faultless march or faultless meetings, without any interruptions whatsoever.

Q Do you know the duties of the Reich Banner?

A The duties of the Reichs Banner were about on the

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same scale.

Q For what party?

A For the Social Democrats.

MR. KEMPNER: I object to this line of testimony. I don't understand why he should be permitted to testify as to these other organizations. He was not a member of them.

CAPTAIN TUBRIDY: What is the point of this line of questioning, as to what kind of bodyguards the Party had previous --

DR. KOESSL: The witness has declared that the SS had a more or less defensive character --

COLONEL SMIRNOV (For the Russian Prosecution): The answers of the witness were from a purely historical character, of past events, and do not interest us. What we are interested in are present-day questions.

CAPTAIN TUBRIDY: Mr. Koessl willyou please confine your questioning to the activities of the SS.

And may I request that Counsel, before there are any interruptions to make a statement, let me know of their request, so that we can keep the record straight.

Q We willnow go into the facts as to how large the SS was and in what manner the selections for the SS were made. How strong was the SS on the 30th of January, 1933?

A The SS from the years 1925 to 1927 had only a few hundred men. Later on a few thousand. And on the 30th of January, 1933, the number of members was about 50,000.

But that does not mean there were actually that number of SS members, because at that time there were only about 25 to 30 thousand SS members.

Q Could anybody become a member of the SS at that time?

A Certain selection was made upon entering the SS. The person had to have two references -- two character references. He had to have the police character testimonial. And he had to swear that he had no previous convictions in any court.

Q What was the reason for members of the SS joining the organization?

A One of the main reasons probably was that there were a number of unemployed before the year 1933, who hoped through their connection with the

H0911-0044

Party that they would regain employment. In the student circles -- from which I myself come -- those circles, the main reason was the very close comradeship between people of various social standings in that organization. This comradeship was very helpful later, in assisting the unemployed and others in need. Also, the defensive character of the SS seemed to insure at the time that it always would be on the side of righteousness.

Q Did you make any observations that the persons in the SS or the character of the persons in the SS was lower?

A Just the opposite. I noticed at that time that the discipline -- quiet discipline -- did not show itself only in outer discipline and obedience, but also that it fostered a clean and clear mind.

Q Did you make any observations that the defensive measures by the SS were against the law?

A At that time I did not get any orders to strike or go against any political enemies. On the contrary, at that time, during large meetings, it was forbidden to us to leave our marched columns. We were not allowed to carry any weapons -- pistols or knives. We were not to answer challenges from our enemies. And only in case of bodily attack were we supposed to defend ourselves.

Q How was the building up of the SS after the 30th of January, 1933?

A First of all, it is wrong to speak at that time of the Allgemeine SS. That word "Allgemeine" -- or that idea -- was brought in about 1937, 1938. There was at that time a border-line between regular troops, the Schutz-Staffel, and the more or less "attack units," the Death Head units.

Q If a person declared his readiness to enter the SS did he become a regular member right away?

A After 1933 people from all parts of the country and stations of the population wanted to enter the SS. When they were first taken in, certain preliminary induction, certain rules were followed --

BY COLONELMERVYN GRIFFITH-JONES (For British Prosecution):

Q I didn't understand that.

H0911-0045

A They were entered in more or less preliminary manner first. There were certain points, like height and physical ability which were considered. Also, great value was placed upon a good reputation, a very clean reputation. The two character witnesses were needed again, the police character testimonial, as well as data as to any previous verdicts in court.

Q What happened if somebody was already convicted of some offense?

A People with previous convictions were not taken in the SS and any person that entered the SS by not giving previous convictions, and was later found out, was released from the SS. The permanent membership of the SS resulted only after about a trial period which lasted from six months to two years.

Q Did the building up of the SS follow a certain plan?

A After 1933 the filling of the lowest ranks depended on personal and regional requirements, where a good leader was found in certain areas, or where a number of men were on hand to form a sturm. The same applied to the next higher echelon, or group, the sturmbann -- although there they had to be in a more or less central position and near traffic centres. Whether or not the higher leaders of the SS had any plan as to formation of the SS and a certain plan that they followed, I do not know from my own experience or knowledge, and the large masses of the SS evidently did not hear of such or did not find out about such a plan.

BY CAPTAIN TUBRIDY:

Q How do you know what the large masses of the SS know?

A In my job as a leader of a motor squad and also as a legal adviser on disciplinary matters I met quite a large number of SS members.

BY DR. KOESSL:

Q The Prosecution states that military standpoints and military viewpoints were the main ideas in building up the SS. Did the masses of the SS think of that?

A No.

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Q What were the duties of the SS after 1933?

A After that time there was no need for the protection of speakers and meetings any more. The SS had the duty of preserving order at large meetings. For this reason marching and drilling was taught and used so that order could be preserved more easily during large meetings. Also, firing of small-arms weapons was done on the scale of a sports club, and athletic training was given in order to receive the SS and SA sports medal. Also a world orientation was given in the course of duty; for the various lectures or classes, certain special hours were designated, which were brought out in the five-year plan, brought out by the central office. The duty of the Allgemeine SS was with the exception of a few people in the central office, and an honorary duty.

Q What do you understand by an honorary duty?

A It is a job which the person does on his own time, besides his own job, without any compensation and by using his own free time.

Q You talked about the keeping of order at large meetings. It would seem rather unlikely that any kind of disturbances could take place after 1933, wouldn't it?

A Disturbances of any nature did not occur any more. But it was a matter of regulating a march on to the places of large masses of people, of the participants.

Q Did the comradeship in the SS after 1933 between the various groups which created better standards of living, did that keep up after 1933?

A Yes; a very large value was put on this comradeship after 1933. The SS tried to unite the people within their ranks, of various social backgrounds and different jobs. That didn't mean an enforced equality but it only served for the removal of any lines that were drawn between various jobs. Besides that, the families of the men were also included in this comradeship and group meeting. Also, between the women and the children of the various members those border-lines of social backgrounds were to be removed --

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COLONEL BROOKHART: We have listened forty minutes to the witness, and we have yet to hear anything that is relevant to the charges against the SS. May I respectfully suggest that unless Counsel questions on relevant and pertinent matters, I am forced to object to further questioning of the witness.

CAPTAIN TUBRIDY: Yes. The point is well taken. Mr. Koessl, you may establish background in the first few minutes of examination but after that we would like to have him come to the relevant points for which these proceedings are being conducted -- testimony subsequent to 1933. We would like to have the examination directed to that. Also, we would like to have it directed more to the issues raised by the Prosecution and the issues defined in the order, and that is the question of the criminality of the organization, what its tasks, activities and structure and component parts were, and also if the witness is going to testify with regard to notorious, generally known facts of the organization we would like to have testimony relating to that. But the other testimony that has gone in has been quite lengthy and would delay these proceedings if it continues.

(The interpreter repeated Captain Tubridy's statement.)

DR. KOESSL: The questions on my part and the answers of the witness were concerning the goals of the SS --

CAPTAIN TUBRIDY: Well, frankly, I don't see exactly what the relevance is of this line of questioning which has been adopted, to show the goals of the SS.

DR. KOESSL: The Prosecution states that the aims of the SS were of a criminal nature. The Prosecution also claims that the personal points in the SS were lower.

The Defense considers it rather important to prove what the people that entered the SS wanted and what their aims were.

CAPTAIN TUBRIDY: What are you trying to prove? Maybe the Prosecution will concede it.

DR. KOESSL: Whether the people entering the SS had any criminal ideas whatsoever. This line of questioning and answers --

CAPTAIN TUBRIDY: Just a minute. I don't think there is any evidence any place -- any claim on the part of the Prosecution -- that people at the time

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they went into the SS had criminal records. If you are trying to prove that people entering the SS did not have criminal records, I don't think that point is raised.

THE INTERPRETER: Criminal ideas is what the Defense wanted to bring out, that they did not have them when they entered the SS.

DR. KOESSL: In the meeting of the Prosecution, the Chief of the Prosecution stated that the SS consisted of great Nazis who were ready to do anything without question. With the permission of the Court I would like to continue his questioning.

CAPTAIN TURRIDY: If you are trying to rebut that allegation, you may go ahead; but the line of questioning you have been pursuing doesn't seem to rebut that charge.

BY DR. KOESSL:

Q Could the racial policies of the SS be considered criminal?

A The racial policies of the SS were on a scientific basis -- biological scientific basis, as it has been or is always in use in various other countries --

MR. KEMPNER: This man is not expert in biology. And I don't know about the methods in use in other countries -- and I don't understand the import of his question.

DR. KOESSL: The witness can state what the SS men were told and under what point of view the SS proceeded on its racial policies.

CAPTAIN TURRIDY: Just a minute, Mr. Koessl. A question was asked were the racial qualities of the SS considered. There was an objection that the witness was in no position to testify. Now, it seems to me this objection i proper.

DR. KOESSL: Now, I would like to ask permission to ask the question whether the SS had or had not brought up the destruction of other races, of foreign races.

CAPTAIN TURRIDY: Very well, you may proceed along those lines.

A The Allgemeine SS, in that organization the destruction of foreign races was never taught or never brought out. Other races in their own way were considered quite all

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right. The only thing that was objected to was the mixing of elements between these various races. The only goal was to better their own race, their own standards, and for that reason you had the marriage law and all the laws relating to that.

Q Did the Allgemeine SS receive any weapons training?

A The Allgemeine SS did not carry weapons. Then the weapons that the SS got in 1933 from other parties and other groups, they were turned in by the leaders of these various groups in 1934, and sworn that those were the only weapons in their possession. These weapons had to be handed in.

Q Did the German Army consider or figure that the training in the SS wa of military calibre?

A No; every SS man, no matter what his rank in the SS, had to start as a regular soldier in the Army.

Q Can you give us any information about the use of the special units of the SS, such as motorcycle riding and medical units?

A In the motorcycle troops or persons interested, all persons intereste in motorcycle sports met and there they did the same kind of duty as done by th National Socialist motor troop, the NSKK. In medical groups the men were trai ed in first-aid to work at the large meetings and so on, to give first-aid and that kind of work, medical work.

Q What duties did the SS sports group have?

A That question has to be answered from two points of view. One view would be that of the SS member and the other that of the active sports club member. To be able to state my view, that is, on the attitude of the sports member I would be able, because from 1933 to 19 39 I was five times on the German team defending the world champi9nship. The Reichsfuehrer hoped that by organization of these sports groups he could bring together these men in peaceful competitio and to get together the other nations on the same plane.

Q Did you in those international sports meets notice that the sports in the SS were different or the manner of sport was difierent from that of the other countries?

A In bobsledding they won various prizes from Lord Curzon, Mr. Martinon, Winsronnie, De Baun, Boncon, Frejolier, and others. The rules of our own activi-

H0911-0050

ties were the sports rules of the Reichsfuehrer of the SS:"To be modest in victory, have no misgivings when losing; don't look for the cause of your defeat .. in the other fellow, but in yourself."

Q Did the world orientation discussions in the SS have any criminal [illegible] basis? Was the SS specially prepared to break the peace, in those meetings?

A These world orientation meetings concerned mostly idealistic points and were conducted along the lines of international law. It was brought out that the relations with the other nations should be correct and during the war Himmler brought out a law which required every SS member to be correct towards the members of foreign nations, to act correctly.

Q Was the Allgemeine SS being prepared for an offensive war?

A In the writings of the Allgemeine SS offensive war was never mentioned However, we did strive toward a revision of the Versailles Treaty, but in this respect were never involved in any way with a war of attack, an offensive war.

Q What solution was given the SS as far as the Jewish question was concerned?

A That the Jewish question should be answered -- or taken care of -- in regular channels, in a regulated way; and the happier solution was considered the emigration of the Jews. In 19[illegible] Himmler brought out a law in which it was said that the connection between the SS and the Jews should be limited to the absolute necessity and various members who were against or acted against that law were brought to trial and sentenced heavily.

H0911-0051

Q. What meaning did these guide books have in the SS?

A. They served to promote the political teaching of the SS.

Q. In the SS, were the religious beliefs of others honored?

A. There was a law in 1936 which was the cause of dishonor of a religio: by a member of the SS; and at that time, a member of the SS was discharged from the SS.

For similar offenses, discharge from the SS was threatened.

It also was forbidden during official meetings to discuss or ask any religious questions, in order to prevent any insults or injured feelings.

Q. What duties did he office of the Obergruppenfuehrer, Heissmeyer, hav with relation to the SS?

A. Heissmeyer was the inspector of the national political schools and home projects.

That job was in the scope of the Reich ministry of education.

Co-workers of Heissmeyer were mostly members of that ministry.

Himmler, however, hoped that from these political training schools he would get the reserves, or the replacements, for his Junker schools.

To demonstrate that fact publicly, Heissmeyer was given the honorary rank of chief of the educational office of the SS. It was a purely honorary job, as chief of the main office of the SS; it did not in any way have any connection with the other chief offices in the SS.

Q. What do you k ow about the use of the SS during the Roehm-Putsch on the 30th of June, 1934?

A. The Civil SS was alarmed in virtually all of Germany at that time. They were called together in their own meeting rooms or other public places, such as schools. They were called together to those other points.

The reason for alarming these SS units was to help the police in disarming the SA members.

The SS mostly did not have any weapons, and it received some weapons fr the Reichswehr and the police.

In most cases, there was not any co-interaction at all. At times, in some places they occupied SA offices and meeting places, and took weapons fr the SA.

H0911-0052

The arming of the SS was useless, because the SS was not trained in military matters. There was a number of 1914-1918 veterans in the SS, and it was to those that weapons were given at first.

Q. What can you say about the action of the SS on the 19th of November, 1938?

A. At that time I already was the legal adviser in a ventral office of the SS.

We at that time did not receive any official orders to take part; and as far as I know, there never was such an order given. Even in some of the places where the demonstration started, a counter order was given from some of the officers.

Single SS men who did take part in the demonstrations at that time had disciplinary action taken against them. I am able to give names, if it is necessary.

Q. In what office were you at that time, where you could make these observations?

A. I was at that time a legal advisor of the SS court in Munich, which was the highest echelon of the disciplinary courts of the Allgemeine SS.

Therefore, I know that certain SS men who took part during these demonstrations and criminal matters were not only thrown out of the SS, but also taken over by the civil police and tried by them.

The High Court will probably know that the 9th of November, yearly, was the day of the swearing of the oath of the SS.

Do you know whether these units which were called together for that oath were used in these demonstrations.

A. Since I attended that swearing in at that time, I know for certain that no units were called out.

Q. As legal advisor in the SS disciplinary matters, you probably can give us information as to what point of view the SS took in defense of honor matters.

A. The Prosecution states that the SS man was required to defend his honor with his life. Such an order was never given.

It was just the opposite with these orders concerning the guarding of honor; it is stated that the honor of the other person should not be smudged.

H0911-0053

In the code of honor of the SS, it stated that the SS man was required to help the poor and defenseless, and refusal to do so was a loss of honor to the SS man.

Q. In what way were questions of the other disciplinary matters handled in the SS?

A. The basis was the disciplinary laws of 1934 and various other basic laws, such as the law about the value of ownership of the individual. Every criminal act was followed up and investigated.

The members of the regular SS were tried by the regular police courts, and in addition to that received SS disciplinary measures.

H0911-0054

The cooperation, or working together, with the regular courts was very close. The SS received from the regular courts reports as to the starting of any kind of investigation, and received copies of the offense and of the sentence of the court.

If the code of honor was concerned in the case, the members of the SS were all discharged from the SS. Only in smaller cases could the member remain in the SS, if he had otherwise a very clear past record as a member of the SS.

Q In what way and to what extent did the Higher SS and the police leaders have disciplinary powers over the Allgemeine SS?

A The members of the Higher SS and police did not have any power at all against the members of the Allgemeine SS. The only time they had that power was when they were in command of an SS Oberabschnittfuehrer; but that was not the case everywhere.

Q How were the disciplinary actions after the war started?

A At the beginning of the war a large number of the Allgemeine SS were taken into the army, the air corps, and the navy.

Another group, a large group, came after an order to the Death Head units. The duties of the Allgemeine SS went down considerably, and as the war progressed, with the exception of the social activities of the SS, the work of the SS was almost nil.

That was also very evident in the disciplinary matters. Due to the fact that such a close selection was made of the SS before the war, even during the war, the criminal offenses in the SS were very low. Even though the Allgemeine SS did have its own military court, they also stood under the civil courts.

The main part of the disciplinary section worked in cases of the Waffen SS.

Q Did the disciplinary power of the SS reach the estate of the Security Police on the one hand and the Order Police on the other hand?

A An order in the year 1934 concerning these disciplinary matters cleared up a matter which had been in effect for quite some time.

H0911-0055

The disciplinary powers of this SS order, or criminal code, were limited to the Civil SS.

The fact that in this case it concerned two entirely different outfits, organizationally, was evident from the fact that different criminal codes had to be set up for the Waffen SS and the Allgemeine SS.

CAPTAIN TUBRIDY: Dr. Koessl, how much more time do you want with this witness?

DR. KOESSL: Only one more question.

THE WITNESS: For the SA, the Security Police, and the Order Police separate laws or criminal codes were established.

BY DR. KOESSL:

Q How did Himmler react to objections to some of his orders?

LIEUTENANT COLONEL BROOKHART: Sir, I object to that question unless it is shown that this witness had some contact with Himmler.

CAPTAIN TUBRIDY: Sustained, unless the witness can be shown to have some contact with Himmler.

BY DR. KOESSL:

Q Can you give a positive happening?

A Yes, I know of a number of cases from my job as legal advisor in disciplinary matters.

Q Did you come in contact with Himmler?

A Even though I personally did not come in contact with Himmler, my written work was given to him.

I objected to him against the sending of one of my typists to a concentration camp. That resulted in my being relieved of my post, and I was sent with a smaller unit, with a lower grade, and was sent to the front.

Any objections to the orders of Himmler frequently resulted in severe matters like that. The person who did object had some very serious consequences on his own.

DR. KOESSL: I am finished.

H0911-0056

CAPTAIN TUBRIDY: We will take a recess of about ten minutes before proceeding.

(A short recess was taken)

CAPTAIN TUBRIDY: We will proceed.

CROSS EXAMINATION

BY COLONEL GRIFFIN-JONES:

Q Witness, you have told us of the sports and social activities of the SS. Those were all advantages, were they not, which were unobtainable outside the SS?

A No, as far as sports matters were concerned, definitely not. I can prove that myself, since I have been a member of the sports clubs for many years, before that.

DR. KOESSL: I did not understand the question of the prosecution.

BY COLONEL GRIFFITH-JONES:

Q Let me make myself quite clear to you. You appreciate, of course, that there were sports organizations apart from those of the SS. But the sports organizations of the SS were an advantage to the ordinary person; is that not so?

A No. Basically that is not right.

Q Were these sports organizations, apart from those run by the SS, as good and as well organized as the SS sports organizations?

A Yes.

Q Let me turn, then, to the social advantages. You told us that one of the reasons people joined the SS was because of the comradeship; is that right?

H0911-0057

A Yes.

Q And in addition to that, the welfare provided for the SS families was an advantage, was it not?

A The welfare organization of the SS actually only played a part during the war. At that time, it was mainly for the families of men who were in action and those that were killed in action.

Q Before, and during the years of peace, did the SS arrange social activities for its members and their families?

A A regulated or a specific or a specified welfare social organization did not exist; but in cases where need which was brought about was not the fault of the persons, at that time the SS jumped in and helped.

Q The SS was regarded, was it not, or the members of the SS were regarded, were they not, as the elite of German manhood?

A That was an ideal that was attempted but was not completely realized.

Q But it was the aim, and the members of the SS themselves regarded themselves as being the best?

A Any person who belongs to any kind of unit or group hopes that his will be the best; and that was also in the case of the SS.

Q And men outside the SS regarded the SS as an organization of the best men, did they not?

A I personally cannot give you any information as to public opinion in that case.

Q But in the party membership, that opinion was generally held, was it not?

A Those with that opinion were not quite as united a group as they are considered to have been today. There was a number of men in the party who were not of that opinion.

Q Why were those men not of that opinion?

A I do not know the reasons in particular; but the rivalry between the SA and the SS was well known.

Q Did I understand you to say that in 1933 a large number of people joined the SS?

A Yes.

Q And was that because of the advantages which the SS afforded?

A At that time, you could not speak of any special advantages that the SS

H0911-0058

provided for its members.

Q What was the reason, then, for that large number of applicants for membership in the SS in 1933?

A There also different opinions were given. When a Sturm group was organized in a town and a suitable leader was found, the people of that town went to the SS and joined the SS, because they saw in that person a leader. Others, perhaps, saw in the SS a special unit, or special troup, and others also probably joined because professionally they expected advantages. These various reasons, however, cannot be combined into one, or united.

Q I quite understand. I am much obliged to you.

It would be right to say, would it not, that those were the reasons generally which influenced applicants for the SS throughout the following years?

A That was also the case in later years. Different reasons were given or had been given for wanting to join the SS.

Q Do I understand that the same reasons applied, and others as well?

A Only the same reasons.

Q Only the same Reasons?

A Only the same reasons.

Q Now, you spoke about the Roehm-Putsch. You knew, did you not, that the SS took an active part in that operation?

A I described the part taken by the Civil SS before.

Q Yes. I am much obliged. I will only be a minute.

You knew also, did you not, that it was a criminal activity?

A One cannot describe this as a criminal activity, since in the latest speech by Adolf Hitler he stated that the happenings of the 30th June were a necessity for the nation, and any happenings of that day were, therefore, more or less made right through that speech.

Q Tell me this; was it taught to the SS men that murder could be justified by a speech made by Hitler afterwards?

A The Civil SS was not told anything more than the regular population of the country.

The participants in the Roehm-Putsch were declared as traitors to their country, and for treason, according to the regular laws, there is a death sentence.

H0911-0059

Q Very well. Let me read to you a passage in another speech made by Himmler -- I understand there was a mistranslation in my question a moment ag I asked "Were you taught at the SS schools?" and the translator I understand translated it "Were you told?" My question was were you taught in SS school that murder could be justified by a speech made afterward by Hitler?

A He says he hears for the first time of such a thing. As far as I know no such thing was ever taught in any of the schools.

Q Let me just ask you one further question on that passage. Are you telling us that you and so far as you know the other members of the SS regarded the victims of the Roehm Putsch as having committed treason and were therefore justified to be killed?

A Such a description, such a point was given to us from the leadersh above at that time, from the state militia.

Q Yes, but did you yourself believe it, or did you think it was murd

A No, at that time I considered the executions as right according to martial law.

Q Now, let me read you a passage from a speech made by Himmler on the 4th of October 1943 which was addressed to the SS group of fuehrers at I

CAPTAIN TRUBIDY: Did you give the document number?

BY COLONEL GRIFFITH JONES:

Q The document number is P.S. 199, U.S. 170, and the passage occurs page 4 of the English translation. I quote:

"I also want to talk to you quite frankly on a very grave matter. Among ourselves it should be mentioned quite frankly and yet we will never speak of it publicly. Just as we did not hesitate on the 30th of June 193 do the duty we were bidden and stand comrades who had lapsed up against the and shoot them, so we had never spoken about it and will never speak about

If the victims of the Roehm putsch had been executed under martial law treason, why should the SS never have spoken about it amongst anybody but themselves?

A The fact that these men at that time were shot under martial law made public, and I therefore do not understand the connection between this passage and the fact of the shootings on the 30th of June 1934.

H0911-0060

Q The connection, I suggest to you, is that everybody, SS and everybody else, knew that the victims of the Roehm putsch had been murdered, and murdered anywhere, by persons in participation with the SS.

A The shootings on the 30th of June 1934 were discussed quite openly before the whole German people, and I have also had chance to speak with various foreigners on that matter. One person I remember quite well is Mr. Dwight Morrow, as far as I know a brother-in-law of Colonel Lindbergh.

Q I do not care to hear what Mr. Morrow said. Let me read on the next two lines:

"It was thought tact which is a matter of course and which I am glad to say is inherent in us, that we must never discuss it among ourselves, never speak of it. It appalled everyone, and yet everyone was certain that he would do it the next time if such orders are issued and if it is necessary."

Did those shootings appall you?

A According to the description at that time I believed, I had to believe, that in this case it was a matter of high treason, and it is the same in this as any country in this world that a person who takes part in a form of treason, that he has to figure on being shot if that coup does not result or does not go well.

Q Very well. Let me pass on. I want to read you a short passage from another document. This is another speech by Himmler -- I beg your pardon, it is a pamphlet by Himmler, entitled Security SS -- it is P.S. 1851, U.S. [illegible], published in 1936, and this is what the Reichfuehrer wrote:

"I know that there are some people in Germany who become sick when they see this black curse. We understand the reason for this and do not expect that we shall be loved by too many."

Did you ever read that?

A I know this pamphlet but I cannot remember this single passage.

Q Does that correctly describe the feeling of a number of people in Germany?

A How can I ive my opinion?

Q What was the reason that people should feel sick when they saw the black curse of the SS?

A I consider this passage as more a form of speech

H0911-0061

by Himmler, and I suppose that the elements meant by this passage are criminal elements against whom the SS has constantly fought.

Q You don't think, do you, that it meant that the people felt sick because of the criminal activities that the SS were constantly carrying on?

A I don't believe that that is the case, because I never was able to get the insides on any criminal activities in the SS.

Q Well, did you think the demonstrations agains the Jews in November 1938 were a legal activity, a lawful activity?

A I and the comrades I talked to considered the demonstrations of November 1938 as dumb and low, and it was condemned by a large part of the SS. The proof for that is that members of the SS that had participated in these actions, single members, received disciplinary measures.

Q You say that but you know, of course, that there are orders -- I am not going to waste the time of the Commission now -- you know that there are orders, do you not, from Himmler and Heydrich commending the participation of the SS in those demonstrations?

A It was the first time here in Nurenberg that I saw the letter by Heydrich to his lower leaders concerning that. As far as I can understand, that letter by Heydrich does not request the SS to participate in these demonstrations, but rather, was a security measure, a security police measure. Also Heydrich could not give any orders to the Allgemeine (General) SS.

Q For the purpose of the record the reference to that is P.S. 3051, U.S. 240. I just want to refer you now to the organization book. I quote actually from the copy of 1943, P.S. 2640, U.S. 323, under the heading of the Schutzstaffel, NSDAP. It is the organization book of the NSDAP for 1943 in the article entitled "The Schutzstaffel" and its number is 2640, U.S. 323 and talking on the activities of the SS man it says:

"Open and unrelenting fights the most dangerous enemies such as Jews, Freemasons, Jesuits, political clergymen."

Is that a fact, the open and unrelenting fight? Do you agree with

H0911-0062

that that was the task of the SS man?

A If I am correct, this book was the year 1943. At that time there was practically no Allgemeine (General) SS any more. In addition to that, the Allgmeine (General) SS never had any executive powers against anybody. Therefore, she could not fight or combat as is described in that sentence. Her only orders of the Reichfurhrer are connected to the orders he had given also as Chief of the German Police, and they are wrongly connected with the SS.

Q I put it to you that from the results of the days after the Nazi party came to power, it was plain to everybody in Germany that the SS were carrying on criminal operations. I just want to mention two other matters. You gave an answer that it was the duty of the SS to help poor defenseless persons. Is that your story?

A Yes. This was also laid down in the Code of Honor Rules, trial rules of the SS.

Q Would those rules be laid down by the Reichfuehrer?

A They were declared all right by Reichfuehrer.

Q Did the Reichfuehrer hold those views right up to the end of the war?

A Now, later we found out to our own disgust that he did not do himself what he preached and wanted of every SS man.

Q Do you say that those were the rules that governed the conduct of the SS man right up to the end of the war?

A I can say as a legal adviser of the Waffen SS that these rules were obeyed by the majority of SS men to the end.

Q Let me just read you this passage..This is the same speech made at Persa, 1943. It is page 1 of the English translation, P.S. 1919, U.S. 170. It is the third line of the third paragraph:

"What happens to a Russian or a Czech does not influence me in the slightest." And I omit one or two lines. "What happens to a Russian or a Czech does not influence me in the slightest." Then I omit a few lines. "Whether 10,000 Russian females fall down from exhaustion by digging a ditch interest me only so far as the emigration from Germany is finished."

H0911-0063

Do you say that these sentiments expressed as Himmler's never passed on to the whole body of the SS organization?

A I want to say the first time I heard about this speech was here while I was being held here.

H0911-0064

Q Will you tell me what that document is that you have in your hand?

A It isn't a document. It is just notes for today's hearing.

Q May I see them. (Receives papers from witness). These typed notes, what are these? What is this typed note 19 pages long?

A Those are my thoughts. They are notes which I wanted as my thoughts, some of which I did use in today's questions.

Q Who typed these? Did you?

A I wrote them.

Q Are they your composition?

A My own work.

Q They are in the form of questions, are they not, questions and answers?

A Yes.

Q And the writting inside, whose is that?

A That is also mine.

Q Very well. (Returning papers to witness).

BY COLONEL BROOKHART:

Q One or two questions. What years were you in the motorcycle corps or squad?

A 1933 to the end of 1935.

Q Did you have any connection with the motorcycle corps of the SS during the war?

A No.

Q Were you ever a member of the SA?

A No.

Q Were you ever in any way connected with the Gestapo?

A No. In no way.

CAPTAIN TUBRIDY: Any further examination or cross-examination by the Prosecution?

COLONEL GRIFFITH JONES: No.

DIRECT EXAMINATION

BY DR KOESSL:

Q The Prosecution asked about your reasons of entering into the SS.

H0911-0065

Please make it clear to us whether material reasons or idealistic reasons were usually the reasons for entering the SS, or whether both had something to do with it.

A It was mostly for idealistic reasons, because the average SS man had t to give up quite a bit financially, such as buying his own uniform, and also his own time.

Q You gave also a reason, economic reason, for entry, besides other reasons. Would the given reasons be examples for entry into the SS?

A As I said, there are quite a number of other reasons. For instance, the civil service employes and people trying to get civil service jobs, were trying to be part of some kind of organization, and then they went either to the SA or to the SS.

Q Was the reason why a person went to the SA or the SS incidental, or was there an idealistic, a deeper reason, for that?

Q As I said before, I would say it was mostly of a personal nature whether to join the SS or the SA. As I said before, the person joining might have liked the leader of the organization as a group leader and for that reason.

Q There is also the possibility that the uniform had something to do with that?

A Yes. This reason of the uniform had something to do with the selection of quite a few.

Q You stated before in answer to a question of the Prosecution that the actions against the SA on the 30th of June 1934 were later on made officially right through orders, made law through these orders. What was the SS told during the action against the SA?

A First of all, the reason for the alarm of the SS was unknown. There were numerous rumors going around. One of them was, for instance, that Hitler had arrested Roehm; the other one saying that Roehm had arrested Hitler.

A The ideals of the Allgemeine or Civil SS only went as far at that time as to safeguard the laws and regulations of that time.

Q As that time was Roehm a chief of the SS?

A Roehm was a chief of the SS in such a way that he was chief of staff, staff chief of the SA, and the SS was part of the SA.

H0911-0066

Q Therefore, on the 30th of June Himmler and Hitler as well as Roehm were chiefs or leaders of the SS?

A Yes.

Q Whose wish was the main ideal, the main wish of the

H0911-0067

SS?

A The SS did not have any -- could not see exactly what was going on, and they had to rely on the orders of the local SS chiefs, local SS headquarters.

Q You said that various rumors went out as to the reason for the alarming of the SS.

A Yes.

Q You also said that one of the rumors was that Hitler had arrested Roehm and the other one that Roehm had arrested Hitler.

A Yes.

Q On whose side did the mass of the SS stand, if it had to choose between Hitler, Himmler and Roehm?

A Since Hitler at that time had been voted or had been made Reichs-chancellor by a very large majority of the German people, he was also in the eyes of the SS, chief of Germany.

Q At that time was it thinkable that there was a difference of opinion, differentce of thought, between the state and Hitler?

A As far as we could see or could judge, there was no difference.

Q In the course of the questioning the words were spoken "the fight or combat of the SS". What in the German language and in the German slang, Nazi slang, did the wofd "Combat" or "fight" mean?

A The word "combat" or"fight" meant the discussion of idealistic or world problems. It did not only mean bodily combat.

DR. KOESSL: I have finished with the witness.

CAPTAIN TRUBIDY: Anything on the part of the Prosecution?

BY MR. McILWRAITH:

Q Was any oath of allegiance taken on joining the SS, any oath of allegiance or obedience?

A There was no special oath but on the 9th of November every year there was a group oath of every SS unit or every SS man. That was every year.

Q On the 9th of November?

A Yes.

H0911-0068

Q To whom was that oath taken?

A To Adolf Hitler.

Q By every SS man?

A Every SS man, yes.

Q When the witness was a leader of the motorcycle corps of the SS how many SS men were under him?

A As sturm leader about 120 men. Later on as a staff leader between 400 and 500 men. And when he took the place as a substitute of a standard, he was in charge of around 1200 men.

Q When he was legal advisor in the Court at Munich how many SS men came within the jurisdiction of that Court?

A The Court, the SS Court in Munich, was the highest echelon of the disciplinary corps of the Civil SS.

Q And how many men were in the district over which that corps ruled?

A It wasthe highest instance of the entire SS.

Q Did it rule over all the SS men in the country?

A Yes, it did.

Q Well.-- ask him.

A As far as it concerned disciplinary measures, disciplinary court proceedings, yes, it was thehighest, and it reached every SS man/

Q And was he the sole legal advisor to thatCourt?

A There were about 12 disciplinary legal advisers. Also, not every case was tried on the SS Court in Munich, but only cases of very great importance and cases which had been --

Q Was it a Court of Appeals?

A Yes. Appeal by the lower courts or by the lower units.

Q It was a Court of Appeal?

A Yes. It was the highest Court of Appeal.

Q And he was one of 12 disciplinary legal advisers to that Court?

A The number changed every now and then but on the average there were about 12 disciplinary legal advisers.

DR. KOESSL: There seems to be a certain confusion as to what disciplinary instances mean in this case and regular Court instances.

CAPTAIN TUBRIDY: I think everyone is more or less satisfied as to what the witness did. He was in a Court at Munich that was a court of last resort in disciplinary matters in the SS throughout Germany.

DR. KOESSL: No. That is not exactly the case. Maybe he can explain shortly.

THE WITNESS: This court only dealt with matters of crimes against the discipline and the order. The only kind of sentences this court could deal out was reprimands, lowering of rank, and throwing out of the SS. The regular sentenceswere dealt out by the regular courts.

CAPTAIN TUBRIDY: We will adjourn until two o'clock. I think that is all for this witness.

(The Commission adjourned at 1300 hours.

The foregoing is a true and correct transcript of the testimony of EBERHARD HINDENFELD, taken on 21 May 1946.

John J. Murtha
Reporter

R. G. Williams
Reporter

H. B. Darrow
Reporter

CERTIFIED TO:

Joseph F. Tubridy
Commissioner

I. D. McIlwraith
Commissioner

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